

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4784 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ISMAIL A KARIM

Versus

VERAVAL-PATAN JT. MUNICIPALITY  
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Appearance:

MR HA RAICHURA for Petitioner  
MR BP TANNA for Respondent No. 1  
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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 10/04/2000

ORAL JUDGEMENT

I have heard Ms. Kerrawala for Mr. B.P.Tanna appearing on behalf of the respondent. None appears for the petitioner. Learned counsel for the respondent submitted that present petition has become infructuous in view of the subsequent event that has taken place. It is

submitted by the learned counsel for the respondent that the petitioner filed the present petition for quashing the suspension order passed by the respondent. It is submitted by the learned counsel for the respondent that by interim order dt. 12th December, 1990, this court directed the respondent to complete the inquiry within a period of two months from the date of the order. It is also submitted by her that in accordance with the order passed by this court on 12th December, 1990, the respondent has completed the inquiry and the petitioner has been removed from service by an order dated 13th March, 1991. Learned counsel for the respondent also submitted a copy of the order dt. 13th March, 1991. The petitioner did not amend his petition about his removal from service. The petitioner has only challenged the suspension order in the matter.

2. In view of the order of dismissal of the petitioner from service, the present petition has become infructuous and unless the petitioner challenges the order of his dismissal by an amendment of the petition, this petition cannot proceed further. Accordingly, I do not find any merits in the present petition and accordingly it is dismissed. Looking to the facts and circumstances of the case, there shall be no order as to costs. Copy of the order of dismissal dt. 13th March, 1991 be placed on record. Rule is discharged.

Date:10/4/2000. (P.K.SARKAR,J.)  
ccshah